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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,982	12/31/2001	William E. Ryan JR.	F-423	5328

919 7590 11/06/2003

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EXAMINER

RODRIGUEZ, JOSEPH C

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Applicant(s)	Applicant(s)	
	10/036,982	RYAN ET AL.	
	Examiner	Art Unit	
	Joseph C Rodriguez	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Final Rejection

Applicant's arguments filed 8/28/03 have been fully considered but they are not persuasive for reasons detailed below.

The 35 U.S.C. 112 rejections are maintained or modified as follows:

These rejections have been withdrawn.

The prior art rejections are maintained or modified as follows:

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez et al. ("Lopez")(US Pub. No. '099) in view of Call et al. ("Call")(US Pub. No. '664).

Lopez teaches a system (Fig. 1-4) comprising a component for feeding and singulating (near 70, 90), a detecting module (20), a diverter (Fig. 1, box 110, 116; para. 47), a system for reading and determining (107, 108, 109, 112), and a bin module (Fig. 4, near ends of letters and flats conveyors). Here, the detection area (not illustrated) is regarded as the area containing the requisite modules.

Regarding claim 2, the control system is regarded as inherent in the processing system taught by Lopez (para. 47).

Regarding claims 3-9, Lopez teaches the detection module as claimed by Applicant (Fig. 4, near 20; para. 34, 44, 51). Here, the driven belts can be regarded as guide walls.

Lopez as set forth above teaches all that is claimed except for expressly teaching the bin module clean area wherein airflows to the detection area and a filtered transition

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area downstream of the diverter. Call, however, teaches that it is well known to maintain a clean area with a negative pressure region when screening mail for contaminants (Abstract) and also teaches the use of a filtered transition area for processing contaminated mail (Fig. 1, near 926, 928, 932). Moreover, Lopez expressly teaches that diverted mail is subject to further processing (para. 47) and it logically follows that this further processing would comprise a clean and filtered area as taught by Call to protect the surrounding environment from the mail contaminants. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Lopez as taught above.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez et al. ("Lopez")(US Pub. No. '099) in view of Call et al. ("Call")(US Pub. No. '664) as applied to claims 1-11 above, and further in view of what is well known in the art as demonstrated by Lohmann (US '936) and/or Hayduchok et al. ("Hayduchok")(US '889).

Lopez in view of Call as set forth above teaches all that is claimed except under an alternative interpretation the control system and multiple bin features may not be present. These features, however, are well-known in the sorting arts. For instance, Lohmann teaches the control system for scanning envelopes (col. 2, ln. 33 et seq.). Hayduchok teaches that the scanning and then sorting of letters into multiple bins is a common processing method for postal matter (col. 7, ln. 1 et seq.). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Lopez in view of Call as taught above as these are

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well known processing features in the mail sorting arts and the mail is likely to require further processing after being screened for contaminants.

Examiner has maintained the prior art rejections, statutory rejections and drawing objections as previously stated and as modified above. Applicant's amendment necessitated any new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C Rodriguez whose telephone number is **703-308-8342**. The examiner can normally be reached on M-F during normal business hours (9 am – 6 pm, EST).


The **Official** fax phone number for the organization where this application or proceeding is assigned is **703-872-9326** (After-Final **703-972-9327**).

The **UnOfficial** fax phone number for the organization where this application or proceeding is assigned is **703-306-2571** or **703-308-6552**.

The examiner's **UNOFFICIAL Personal fax number** is **703-746-3678**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

November 4, 2003


DONALD R. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600